

## B1 (Official Form 1) (12/11)

United States Bankruptcy Court Eastern District of New York				Voluntary Petition	
Name of Debtor (if individual, enter Last, First, Middle): <b>New York Spot, Inc.</b>			Name of Joint Debtor (Spouse) (Last, First, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):			All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):		
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) /Complete EIN (if more than one, state all): <b>90-0744706</b>			Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) /Complete EIN (if more than one, state all):		
Street Address of Debtor (No. & Street, City, State & Zip Code): <b>3317 Avenue N Brooklyn, NY</b>			Street Address of Joint Debtor (No. & Street, City, State & Zip Code):		
ZIPCODE <b>11234</b>			ZIPCODE		
County of Residence or of the Principal Place of Business: <b>Kings</b>			County of Residence or of the Principal Place of Business:		
Mailing Address of Debtor (if different from street address)			Mailing Address of Joint Debtor (if different from street address):		
ZIPCODE			ZIPCODE		
Location of Principal Assets of Business Debtor (if different from street address above): <b>442 West 22nd Street, New York, NY</b>					
ZIPCODE					
<b>Type of Debtor</b> (Form of Organization) (Check one box.)  <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)  <hr/> <b>Chapter 15 Debtor</b> Country of debtor's center of main interests:  Each country in which a foreign proceeding by, regarding, or against debtor is pending:		<b>Nature of Business</b> (Check one box.)  <input type="checkbox"/> Health Care Business <input checked="" type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other  <hr/> <b>Tax-Exempt Entity</b> (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).		<b>Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.)</b>  <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 15 Petition for <input type="checkbox"/> Chapter 9                      Recognition of a Foreign <input checked="" type="checkbox"/> Chapter 11                      Main Proceeding <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 15 Petition for <input type="checkbox"/> Chapter 13                      Recognition of a Foreign Nonmain Proceeding  <hr/> <b>Nature of Debts</b> (Check one box.) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or house- hold purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.	
<b>Filing Fee (Check one box)</b>  <input checked="" type="checkbox"/> Full Filing Fee attached  <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.  <input type="checkbox"/> Filing Fee waiver requested (Applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		<b>Chapter 11 Debtors</b>  <b>Check one box:</b> <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).  <b>Check if:</b> <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). ----- <b>Check all applicable boxes:</b> <input type="checkbox"/> A plan is being filed with this petition <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).			
<b>Statistical/Administrative Information</b> <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.					THIS SPACE IS FOR COURT USE ONLY
<b>Estimated Number of Creditors</b> <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000					
<b>Estimated Assets</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input checked="" type="checkbox"/> \$500,001 to \$1,000,000 <input type="checkbox"/> \$1,000,001 to \$10,000,000 <input type="checkbox"/> \$10,000,001 to \$50,000,000 <input type="checkbox"/> \$50,000,001 to \$100,000,000 <input type="checkbox"/> \$100,000,001 to \$500,000,000 <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					
<b>Estimated Liabilities</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input checked="" type="checkbox"/> \$500,001 to \$1,000,000 <input type="checkbox"/> \$1,000,001 to \$10,000,000 <input type="checkbox"/> \$10,000,001 to \$50,000,000 <input type="checkbox"/> \$50,000,001 to \$100,000,000 <input type="checkbox"/> \$100,000,001 to \$500,000,000 <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					

**Voluntary Petition***(This page must be completed and filed in every case)*

Name of Debtor(s):

**New York Spot, Inc.****All Prior Bankruptcy Case Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location Where Filed: <b>Eastern District Of New York</b>	Case Number: <b>11-43785 (CEC)</b>	Date Filed: <b>5/4/2011</b>
Location Where Filed: <b>N/A</b>	Case Number:	Date Filed:

**Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor** (If more than one, attach additional sheet)

Name of Debtor: <b>See Schedule Attached</b>	Case Number:	Date Filed:
District:	Relationship:	Judge:

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. § 342(b).

**X**

Signature of Attorney for Debtor(s)

Date

**Exhibit C**

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

- ☐ Yes, and Exhibit C is attached and made a part of this petition.  
☒ No

**Exhibit D**

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

- ☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

- ☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

**Information Regarding the Debtor - Venue**

(Check any applicable box.)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

**Certification by a Debtor Who Resides as a Tenant of Residential Property**

(Check all applicable boxes.)

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

\_\_\_\_\_  
 (Name of landlord that obtained judgment)

\_\_\_\_\_  
 (Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

**Voluntary Petition***(This page must be completed and filed in every case)*

Name of Debtor(s):

**New York Spot, Inc.****Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under Chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

**Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.

☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

**Signature of Attorney\***

X

Signature of Attorney for Debtor(s)

**Kevin J. Nash**  
**Goldberg, Weprin, Finkel,**  
**Goldstein, L.L.P.**  
**1501 Broadway, 22nd Floor**  
**New York, NY 10036**  
**(212) 221-5700**  
**KNash@GWFGlaw.com**

**December 18, 2012**

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

**Yehuda Nelkenbaum**

Printed Name of Authorized Individual

**President**

Title of Authorized Individual

**December 18, 2012**

Date

**Signature of Non-Attorney Petition Preparer**

I declare under penalty of perjury that: 1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; 2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); and 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security Number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X

Signature

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.*

IN RE New York Spot, Inc.

Case No. \_\_\_\_\_

Debtor(s)

**VOLUNTARY PETITION**  
Continuation Sheet - Page 1 of 1

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor:

**Name of Debtor: Martense New York, Inc.**

**Case Number: 09-48910 (CEC)**

**Date Filed: 10/09/2009**

**District: Eastern District Of New York**

**Relationship: Affiliate**

**Judge: Hon. Carla E. Craig**

**Name of Debtor: Votvot, Inc.**

**Case Number: 12-47878 (CEC)**

**Date Filed: 11/14/2012**

**District: Eastern District Of New York**

**Relationship: Affiliate**

**Judge: Hon. Carla E. Craig**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

Case No.

NEW YORK SPOT INC.,

Chapter 11

Debtor.  
-----X

**CORPORATE RESOLUTION**

At a special meeting of the Board of Directors of New York Spot Inc. (the “Corporation”) held on December 18, 2012, and upon the consent of the Board of Directors and after motion duly made, seconded and unanimously carried, it is hereby:

**RESOLVED**, that the Corporation is authorized and empowered to cause the filing of a petition under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of New York, and that the same is in the best interests of the Corporation and its creditors and equity holders; and it is further

**RESOLVED**, that the Corporation is authorized to retain the firm of GOLDBERG WEPRIN FINKEL GOLDSTEIN LLP, as counsel for purposes of filing the Chapter 11 petition and prosecuting all claims in connection therewith.

Dated: New York, New York  
December 18, 2012

NEW YORK SPOT INC.

By: 

Name: Yehuda Nelkenbaum

Title: President/Sole

Director and Shareholder

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

Chapter 11

NEW YORK SPOT INC.,

Case No.

Debtor.  
-----X

**DEBTOR'S AFFIRMATION PURSUANT TO  
LOCAL BANKRUPTCY RULE 1007-2**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

YEHUDA NELKENBAUM affirms as follows:

1. I am the President and sole shareholder of New York Spot Inc. (the "Debtor"), which owns the commercial building located at 442 West 22<sup>nd</sup> Street, New York, New York (the "Property").

2. I submit this Affirmation in accordance with Local Bankruptcy Rule 1007-2 in support of the voluntary petition filed by the Debtor under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").

3. The Property consists of a four story building with 23 Class B apartments. The Property is subject to an imminent foreclosure sale scheduled for December 19, 2012 at 2:00 p.m.

4. In 2011, the Debtor previously filed a Chapter 11 petition and its bankruptcy case was dismissed on consent on October 19, 2011. The dismissal of the Chapter 11 case was with prejudice for a period six months ending on April 19, 2012.

Thus, there is no current impediment to the re-filing of the bankruptcy case, and the Debtor believes that the Property has increased in value since last year.

5. In recent weeks, the Debtor has been contacted by potential new investors to fund a plan of reorganization that would pay the mortgage holder all principal plus non-default interest, without default rate of 24% or other unreasonable charges. Accordingly, the Debtor has elected to re-file for Chapter 11 relief to prevent the foreclosure sale, in the belief that a meaningful dialogue can be had with the lender, with the aid of new investors.

6. West 22<sup>nd</sup> LLC, continues to hold the first mortgage lien, and Michael Roberts, Esq. of 401 Broadway, New York, N.Y. 10013 continues to serve as the referee.

7. Pursuant to the Bankruptcy Rules, a creditor matrix containing the names and addresses of all known creditors is attached to this petition.

8. I do not receive a salary and have not received any distributions from the Debtor in my capacity as sole shareholder.

9. Because the Property remains in the possession of a receiver, I do not have access to current information and reserve the right to supplement the petition, when and if, the Debtor is returned to possession of the Property.

Executed December 18, 2012



YEHUDA NELKENBAUM

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

NEW YORK SPOT INC.,

Case No.

Debtor.

-----X

**LIST OF EQUITY HOLDERS**

Yehuda Nelkenbaum

100%

Executed on December 18, 2012

NEW YORK SPOT INC.

By:  \_\_\_\_\_

Name: Yehuda Nelkenbaum

Title: President



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

Chapter 11

NEW YORK SPOT INC.,

Case No.

Debtor.  
-----X

**SCHEDULE OF PENDING LAWSUITS**

West 22<sup>nd</sup> LLC v. New York Spot Inc. et al.

Supreme Court of the State of New York

County of New York

Civil Action – Foreclosure

Index No. 650877/2010

Attorneys for the Plaintiff:

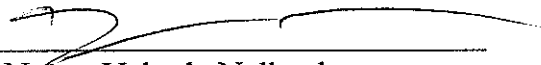
Einig & Bush

420 Lexington Avenue

New York, New York 10170

Dated: New York, New York  
December 18, 2012

NEW YORK SPOT INC.

By:   
Name: Yehuda Nelkenbaum  
Title: President

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

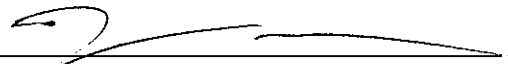
-----X  
In re: Chapter 11  
  
NEW YORK SPOT, INC., Case No.  
  
Debtor.  
-----X

**RULE 7.1 CORPORATE OWNERSHIP STATEMENT**

Pursuant to Federal Rule of Civil Procedure 7.1, New York Spot, Inc. (the "Debtor"), certifies that it is a private non-governmental party, and has no corporate parent, affiliates and/or subsidiaries which are publicly held.

Executed on December 18, 2012

NEW YORK SPOT, INC.

By:   
Name: Yehuda Nelkenbaum  
Title: President

United States Bankruptcy Court  
Eastern District of New York

IN RE:

Case No. \_\_\_\_\_

New York Spot, Inc.

Chapter 11

Debtor(s)

**VERIFICATION OF CREDITOR MATRIX**

The above named debtor(s) or attorney for the debtor(s) hereby verify that the attached matrix (list of creditors) is true and correct to the best of their knowledge.

Date: December 18, 2012

  
\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Joint Debtor

\_\_\_\_\_  
Attorney for Debtor

442 WEST 22ND STREET LLC  
C/O EREZ GLAMBOSKY  
72 MADISON AVENUE 6TH FLOOR  
NEW YORK NY 10016

ARON TESSLER  
1412 BAYRIDGE AVENUE  
BROOKLYN NY 11219

BAYIS NEEMAN  
201 AVENUE Q  
BROOKLYN NY 11210

CHARLES NEISS  
702 AVENUE P  
BROOKLYN NY 11223

INTERNAL REVENUE SERVICE  
10 METRO CENTER  
625 FULTON STREET  
BROOKLYN NY 11201

LANDLORD SERVICES I LLC  
2071 FLATBUSH AVENUE  
STU1E 189  
BROOKLYN NY 11234

NC CALLER PC  
4309 13TH AVENUE  
BROOKLYN NY 11219

NEW YORK CITY DEPT OF LAW  
OFFICE OF THE CORPORATION COUNSEL  
100 CHURCH STREET  
NEW YORK NY 10007

NY CITY DEPARTMENT OF FINANCE  
BANKRUPTCY AND ASSIGNMENT  
340 ADAMS STREET 10TH FLOOR  
BROOKLYN NY 11201

NYS DEPT OF TAXATION  
BANKRUPTCY/SPECIAL PROCEDURE  
POBOX 5300  
ALBANY NY 12205-0300

WEST 22ND LLC  
C/O EINIG & BUSH LLP  
420 LEXINGTON AVENUE SUITE 2320  
NEW YORK NY 10170